

Exhibit C

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1	STATE OF MINNESOTA	1	COMMISSIONER BURRAGE: It is
2	DEPARTMENT OF EDUCATION	2	10:00 a.m. and we will get started on our Partners in
3		3	Nutrition/Partners in Quality Care hearing. I'd like
4		4	to welcome everyone today to this hearing and I will
5	-----	5	walk through the agenda.
6	In Re the Matter of the Appeal of	6	Our agenda will take place with
7	Partners in Nutrition d/b/a Partners in Quality Care	7	introductions, which we will do in a moment, we will
8	-----	8	have opening statements, then there will be a time for
9		9	the Panel to ask questions, we will provide final
10	The above-entitled matter came on for an	10	statements, and then we will have final words.
11	appeal hearing before the Minnesota Department of	11	I can hear people. Here for the hearing,
12	Education Review Panel via Microsoft Teams, taken	12	we will ask that you mute your mics when people are
13	before Gail M. Hinrichs, Registered Professional	13	speaking.
14	Reporter and Notary Public, on the 23rd day of	14	And we will start with introductions.
15	September, 2022, commencing at approximately 10:00 a.m.	15	Mr. Weinhardt, will you please begin to introduce your
16		16	team.
17		17	MR. WEINHARDT: Yes, I have an echo.
18		18	Are you hearing that?
19		19	COMMISSIONER BURRAGE: We are
20		20	hearing an echo. That means someone will need to
21		21	mute.
22		22	MS. HONER: Mark, it actually looks
23		23	like you tried to call in, but we can also hear you on
24		24	your computer. So I think you can hang up on your
25		25	phone if you need to.
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1	A P P E A R A N C E S	1	MR. WEINHARDT: Okay. So I've hung
2	MINNESOTA DEPARTMENT OF EDUCATION REVIEW PANEL :	2	up on my phone. Can you hear me now?
3	DR. STEPHANIE BURRAGE, DEPUTY COMMISSIONER	3	COMMISSIONER BURRAGE: Yes, we can.
4	JILL BEMIS	4	MR. WEINHARDT: Apologies. So it
5	KAREN CALCATERRA	5	all works, okay.
6	COUNSEL FOR THE PANEL:	6	Okay, now the problem is I can't hear you.
7	KATHLEEN REITZ, ASSISTANT ATTORNEY GENERAL	7	COMMISSIONER BURRAGE: Can you hear
8	OFFICE OF THE ATTORNEY GENERAL	8	us now?
9	900 Bremer Tower	9	MR. WEINHARDT: Okay, I can't hear
10	445 Minnesota Street	10	you. Here's what I'm going to do is I'm going to call
11	St. Paul, Minnesota 55101-2127	11	back in, but I'm going to mute my phone. So you'll
12	email: kathleen.reitz@ag.state.mn.us	12	hear me through the computer, but I'll hear you
13	MINNESOTA DEPARTMENT OF EDUCATION:	13	through the phone. Apologies for this.
14	KRISTINE K. NOGOSEK, ASSISTANT ATTORNEY GENERAL	14	COMMISSIONER BURRAGE: That's fine.
15	OFFICE OF THE ATTORNEY GENERAL	15	While you are figuring that out, we will start with
16	900 Bremer Tower	16	introductions for MDE and then come back to you.
17	445 Minnesota Street	17	MDE, please provide introductions.
18	St. Paul, Minnesota 55101-2127	18	MS. HERRERA: Good morning. Monica
19	email: kristine.nogosek@ag.state.mn.us	19	Herrera, director of Nutrition Program Services.
20	PARTNERS IN NUTRITION:	20	Emily, why don't you go next.
21	MARK WEINHARDT, ESQUIRE	21	MS. HONER: Good morning, everyone.
22	THE WEINHARDT LAW FIRM	22	Emily Honer, manager of -- within the Nutrition
23	2600 Grand Avenue	23	Program Services division, and I will be speaking on
24	Suite 450	24	behalf of the division for this appeal today.
25	Des Moines, Iowa 50312	25	MS. JOHNSON-REED: Good morning, I'm
	email: mweinhardt@weinhardtlaw.com		
	KEVIN D. CONNEELY, ESQUIRE		
	STINSON, LP		
	50 South Sixth Street		
	Suite 2600		
	Minneapolis, MN 55402		
	kevin.conneely@stinson.com		
	ALSO PRESENT:		
	Monica Herrera, MDH Director of Nutrition Programs		
	Emily Honer, MDH Support Services Supervisor		
	Jeanette Johnson-Reed, MDH Supervisor CACFP		
	Eric S. Taubel, General Counsel		
	Allison Loomis, MDE		
	Robyn Tousignant, Interim Exec Director, PIN/PIQC		

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<p>1 Jeanette Johnson-Reed, a supervisor with the 2 Department of Education for Nutrition Services. 3 MS. NOGOSEK: Good morning. This is 4 Kristine Nogosek from the attorney general's office on 5 behalf of the division. 6 MR. TAUBER: Good morning. I'm Eric 7 Taubel, the general counsel for the Minnesota 8 Department of Education. 9 MR. WEINHARDT: This is Mark 10 Weinhardt, and even though my phone is muted, I'm 11 still getting the reverb. 12 COMMISSIONER BURRAGE: We can't hear 13 it. 14 MR. WEINHARDT: You cannot? 15 COMMISSIONER BURRAGE: We cannot. 16 MR. WEINHARDT: All right. Well, 17 I'll -- okay, this will work. So apologies everybody. 18 This is Mark Weinhardt and with me is Kevin Conneely, 19 our Minnesota counsel, as well as Robyn Tousignant, 20 who is the acting executive director of Partners in 21 Quality Care. 22 COMMISSIONER BURRAGE: Thank you. 23 Then next we will have the Panel members. 24 MS. CALCATERRA: Hi, I'm Karen 25 Calcaterra with MDE on the administrative panel.</p>	<p>1 Hinrichs, you should see my name on the screen. 2 COMMISSIONER BURRAGE: Thank you. 3 And I see you have a question, Emily. 4 MS. HONER: Yes, this is really back 5 to the technical issue. Mark, I do see your phone, 6 and I think just because of the hearing piece of it, I 7 think if you mute your Teams, the actual application 8 on your screen, I think you should be able to 9 primarily talk through your phone and that should 10 solve it. 11 COMMISSIONER BURRAGE: All right. 12 We will get started. 13 MS. CALCATERRA: Dr. Burrage, one 14 thing before we get started is to mention the opening 15 statement regarding judicial notice. I don't know if 16 you wanted to have me say the statement. 17 COMMISSIONER BURRAGE: Hold on one 18 second. Will you read that for me, then, Karen? 19 Thank you. 20 MS. CALCATERRA: Sure. The Panel 21 takes judicial notice that on September 20, 2022, the 22 U.S. Department of Justice announced that 47 23 defendants have been indicted in connection with the 24 Feeding Our Future fraud scheme. 25 To the extent that the recent indictment</p>
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<p>1 MS. BEMIS: I'm Jill Bemis with the 2 Minnesota Department of Education on the 3 administrative panel. 4 MS. REITZ: Good morning. My name 5 is Kathleen Reitz from the attorney general's office. 6 I represent the Panel today. 7 COMMISSIONER BURRAGE: Thank you 8 very much. If there is anyone else that I have missed 9 through introductions? My name is Dr. Stephanie 10 Burrage and I will be chairing the hearing today. 11 We will get started with opening 12 statements. We will start with Partners in Nutrition, 13 Partners in Quality Care, and you will have ten 14 minutes for your opening statements. Once you get to 15 the last minute, I will then come on the screen and I 16 will put in the chat you have one minute left and then 17 we will -- that will give you time for your closing 18 comments for both sets of opening statements for MDE 19 and for Partners in Quality Care. You may begin. 20 MS. BEMIS: Dr. Burrage, may I 21 interrupt a minute? 22 COMMISSIONER BURRAGE: Yes. 23 MS. BEMIS: Do we have the court 24 reporter's name on file? 25 COURT REPORTER: My name is Gail</p>	<p>1 may relate to the PIQC appeal in today's hearing that 2 the parties wish the Panel to consider, both PIQC and 3 MDE-NPS are allowed to address it at today's hearing. 4 COMMISSIONER BURRAGE: Thank you. 5 We will begin. 6 MR. WEINHARDT: Thank you very much, 7 Dr. Burrage, and Panel members. Can everybody hear me 8 okay now? Good. 9 I'd like to start with the judicial notice 10 and the recent indictments. It is not the case that, 11 in our view, the Panel can consider anything about the 12 indictments in resolving the matter that is before the 13 Panel today. 14 Today the matter before the Panel is 15 whether, on July 25 of this year, MDE correctly denied 16 claims for the month of November 2021 through May of 17 2022. And the correctness or incorrectness of that 18 decision has to be based on the information that was 19 before MDE on July 25 and not based on information 20 that came after that time. 21 And so we recognize the ability of the 22 Panel to take judicial notice of certain things that 23 are properly considered and properly before it -- and 24 I'm going to talk about that in a minute -- but the 25 Panel may not consider evidence that came into</p>

<p style="text-align: right;">Page 9</p> <p>1 existence after it took the July 25 action. The 2 July 25 action has to be judged based on the record 3 that exists when the action was taken. 4 In addition, I will say, although we 5 believe the indictments are irrelevant to this 6 particular appeal, that there are things about those 7 indictments that should be placed in proper context. 8 That is, number one, that the indictments do not 9 allege any purposeful or knowing wrongdoing on the 10 part of Partners in Quality Care in any way, shape or 11 form. 12 To the degree that they say anything about 13 Partners in Quality Care, which we will agree is 14 Sponsor A in two of the indictments, what they 15 indicate is that Sponsor A was itself defrauded, was 16 itself lied to by certain sites or vendors. And that 17 is a very different situation than what is alleged 18 against Feeding Our Future, or any of the 47 19 individuals who have been indicted. 20 Moreover, the government has intensely and 21 with great resources been investigating this matter 22 for probably more than a year, but we know for at 23 least the eight or nine months since January 20, and 24 notwithstanding that intensive investigation for all 25 of that period, when the indictments were unsealed, no</p>	<p style="text-align: right;">Page 11</p> <p>1 termination of Partners in Quality Care's contract 2 that was handed down on May 27 of 2022. That action 3 to terminate PIQC's contract was wrong and unsupported 4 by the law and the facts for the reasons that we 5 argued to this Panel just 10 days ago. This Panel 6 should reverse the May 27 action. 7 If it does so, then it must also reverse 8 these claim denials because, to the extent that claim 9 denials are predicated on that May 27 action and that 10 ground for the denials is gone, then the denials also 11 should be reversed. 12 In addition, as the Panel probably knows, 13 we are in federal court seeking a temporary 14 restraining order to restrain MDE from giving any 15 effect to the May 27 decision. If that temporary 16 restraining order is granted, which should occur well 17 before this Panel makes a decision in this appeal, 18 then to the extent that these claim denials are based 19 on the May 27 action, this action, the claim denials, 20 must be reversed. 21 Even if the May 27 actions were valid, the 22 May 27 action does not look backwards, it only looks 23 forwards. What it did was terminate a contract as of 24 May 27, which means that up until May 27, the contract 25 was in effect. And so it is improper for the MDE</p>
<p style="text-align: right;">Page 10</p> <p>1 one associated with Partners in Quality Care was 2 indicted, nor was Partners in Quality Care itself 3 indicted or accused of any kind of knowing wrongdoing. 4 And if the government, after this much 5 time and this much investigation, has no such 6 evidence, we think that is strong evidence to show 7 that there simply is no wrongdoing of that sort on 8 Partners in Quality Care's part. 9 Now, further on the question of judicial 10 notice, this is the fifth appeal hearing that we have 11 had regarding actions the MDE has taken against 12 Partners in Quality Care. The prior four appeals are 13 in many ways relevant or even control the outcome 14 here. And in particular, two of those prior appeals 15 have to do with the first round of claim denials for 16 November and December of 2021 respectively. 17 We incorporate all of the arguments that 18 were made in those appeals here and the Panel should 19 take judicial notice of those records. It should take 20 judicial notice, frankly, of all of the record in all 21 of the four previous appeals and it particularly 22 should take judicial notice of its own rulings because 23 its own rulings, in part, control the outcome here. 24 Here's the first way that that's true. 25 This denial of claims is based in large part on a</p>	<p style="text-align: right;">Page 12</p> <p>1 division in charge to say that it can retroactively 2 terminate a contract. 3 In other words, the contract did exist all 4 the way up until May 27 and was a basis for properly 5 submitting claims. The contract cannot be 6 retroactively negated; it can't rewrite history. 7 A second way in which the past record is 8 highly relevant to what occurs here is that this Panel 9 issued a ruling on May 17 of 2022 that took away the 10 very foundation of the other part of the claim denial. 11 The claim denials are based in part on MDE's 12 inspection of records that PIQC submitted for the 13 justification of its claims. 14 Well, here's how the records came into MDE 15 hands. On January 20, MDE issued a suspension of 16 PIQC. On the strength of that suspension alone, MDE 17 then on February 2 issued to PIQC a document called 18 Meal Claim Instructions. That document for the first 19 time ever required that PIQC submit documentation in 20 support of every claim that it's made. The 21 regulations do not require that. They only require 22 that documents be maintained and that MDE can come and 23 inspect them or retroactively request certain 24 documents to be provided. 25 But the only reason that MDE -- that PIQC</p>

<p style="text-align: right;">Page 13</p> <p>1 was in the position of now having to submit documents 2 to support every one of its claims was the February 2 3 Meal Claim Instructions. That document ceased to be 4 in effect on May 17 of 2022 because this Panel 5 reversed the January 20 suspension. When it reversed 6 the suspension, the suspension went away. When the 7 suspension went away, the basis for the February 22 8 Meal Claim Instructions went away. 9 And so the claim denials here that are 10 based on the adequacy of the documents submitted in 11 support must all be reversed because there is now no 12 requirement that PIQC was ever supposed to submit 13 those documents in the first place. 14 There is a related issue to this regarding 15 the claim that no documents were uploaded to support 16 the claims. Because the Meal Claim Instructions are 17 now gone, there was no requirement to upload documents 18 to support the claims. Even if there were such a 19 requirement, MDE never communicated a deadline by 20 which, under the Meal Claim Instructions, those 21 documents were to be submitted. 22 In the appeal process, PIQC has submitted 23 documents to support all of those claims and so the 24 denial -- and there are 78 different claims denied 25 this way -- should be reversed on that ground.</p>	<p style="text-align: right;">Page 15</p> <p>1 legally that's what MDE is supposed to do. MDE cannot 2 pick and choose within the sites in PIQC because the 3 law is the same for everyone. 4 We incorporate all of our other written 5 arguments there as though I made them today because 10 6 minutes is a fairly short period of time, but for all 7 of those reasons, the claim denial should be reversed. 8 COMMISSIONER BURRAGE: Thank you 9 very much. Next we will have MDE. 10 MS. HONER: Thank you. Okay. So 11 I'm going to start off here with our basics with our 12 division, and then I'm going to get into correcting a 13 lot of what we just heard. 14 So first, the Nutrition Program Services 15 division -- I'm going to refer to it as the division 16 here throughout the rest of this statement -- the 17 division is housed within MDE and the department is 18 the responsible state agency for administering any 19 number of USDA child nutrition programs, but we're 20 here today for CACFP, the Child and Adult Care Food 21 Program, and we have the authority to administer this 22 program under the corresponding federal program 23 regulations of 7 CFR 226 and the federal regulations 24 of 2 CFR 200. 25 So what I am going to be referencing today</p>
<p style="text-align: right;">Page 14</p> <p>1 Additionally, MDE violated USDA 2 regulations in these over 400 claim denials by failing 3 to follow the portion requirements in the USDA 4 regulations. 7 CFR 226.14(a) provides that MDE must 5 disallow that portion of a claim that is improper, but 6 must pay the rest of the claim that is proper. MDE 7 never made any attempts to determine which portions of 8 claims were bad and which portions of claims were 9 compensable. One site, one month, all the meals, all 10 the everything, it was either up or down. 11 But there are, indeed, compensable 12 portions of all of these claims. MDE has never made a 13 claim that zero food was provided, it has never made a 14 claim that 100 percent of the money spent by the sites 15 to prepare this food was fraudulent or wasted. MDE, 16 thus, was required to decide which parts of these 17 claims were compensable and which parts of these 18 claims were not. 19 And, indeed, in its ruling in the November 20 and December claim denials, this Appeal Panel said 21 that it would be willing to have MDE work with the 22 sites to try to apportion which parts of the claims 23 were compensable and which parts of the claims were 24 not. 25 In other words, this Panel recognized that</p>	<p style="text-align: right;">Page 16</p> <p>1 can be found in the appeal file documentation that has 2 been placed in the join t Sharepoint folder , and as we 3 stated in the letter of action, the division has 4 provided to Partners all of the documentation that the 5 decision was based on at the time of action . The same 6 information was copied from that folder to the appeal 7 file folder for the Appeal Panel today. 8 Additionally, and we do agree that the 9 indictments from this week and criminal information 10 documents need to be considered, and so we've placed 11 those in the appeal file this morning and we are 12 asking that the Appeal Panel allow those to be brought 13 into the record. 14 We also agree that Sponsor A is Partners 15 in these indictments, and I'm going to get to 16 correcting why Sponsor A is at fault here at some of 17 those pieces in just a minute. 18 So it's important for the Appeal Panel to 19 understand that many claims that Partners is appealing 20 today were shown to have a vendor or operator that was 21 charged this week for the scheme. And the fact that 22 those claims have not been withdrawn is -- is 23 absolutely just mind blowing that we're even here 24 today for some of those claims. 25 The first correction I'm going to make is</p>

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<p>1 that the action we are here for today is not based on 2 the May 27, '22 decision to immediately terminate and 3 withhold payment. The action we are here today is 4 based on the regulatory requirements that Partners was 5 required to do when submitting claims, the 6 documentation that they were supposed to gather and 7 review, and the monitoring of their sites before a 8 claim was even submitted to the state agency.</p> <p>9 So these indictments absolutely need to be 10 considered again. And again we're going to go through 11 some examples with that. But MDE is not allowed to 12 make payments that are fraudulent, and the Panel must 13 take notice of the indictments because, again, as I'm 14 going to be going through today, specific sites from 15 Partners made fraudulent claims and that is very 16 telling that Partners has not withdrawn those claims 17 today and that we are here and that Partners is 18 fighting for those claims.</p> <p>19 And not only that, but Partners is now 20 saying, in fact, we didn't know they were fraudulent 21 and so because of that we should get the payment 22 because it wasn't uncovered until this week. 23 Absolutely not.</p> <p>24 So getting to, again, getting to our 25 action today, these claims were denied because MDE</p>	<p>1 claims were directly connected to Think Tech Act and 2 S&S Catering and those individuals were charged this 3 week for fraud. Despite this, once again, Partners is 4 still appealing the denial of those claims.</p> <p>5 But moving on to January through May 2022, 6 claims were denied for the additional reasons stated 7 in the notice of action on July 25, 2022. Those 8 issues were related to the documentation uploaded by 9 Partners, such as the invoice or menu did not support 10 the claim, another issue was that the site was found 11 to have been delivering groceries, not unitized meals, 12 and another claim denial category is that the 13 months -- many occasions Partners didn't even attempt 14 to upload the documentation for those claims.</p> <p>15 So let's, again, talk about what did come 16 up this week and how it relates, because it absolutely 17 does. My first example of an issue I want you to look 18 at is House of Refuge and the Loving Arms Adult Care. 19 Loving Arms is owned by Hanna Marekegn and Hanna owns 20 Brava Cafe, which supposedly -- well, Hanna also owns 21 Brava Cafe. And Brava Cafe is the food vendor for 22 House of Refuge. Hanna was charged this week and is 23 expected to plead guilty to charges of fraud in the 24 child nutrition program.</p> <p>25 Another example is the January claims, if</p>
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<p>1 reviewed the claim documentation that Partners 2 provided and we found that claims were not valid to be 3 paid. They shouldn't have even been submitted to the 4 state agency. We reviewed those claims for January 5 through May and we clarified the denial decisions for 6 November and December and we issued that decision on 7 July 25, 2022. That's what we're here for today.</p> <p>8 All right. So now I'm going to go into 9 reviewing the action to deny those claims submitted by 10 Partners. So for November and December, the MDE 11 Appeal Panel remanded claims, certain claims, for 12 November and December back to the division, and the 13 claims that were remanded fell under the category of 14 facts of the affidavits identified that the 15 organization at the site was involved in the fraud and 16 another reason was that claims were missing documents.</p> <p>17 So in this action that we are here for 18 today, those remanded claims for November and December 19 were further clarified of what documentation was 20 missing and what the direct relationship to the fraud 21 investigation was.</p> <p>22 I also want to point out -- that's very 23 important to point out here for this week -- that 24 seven of the claims that Partners is appealing today 25 for December, five of them, five out of seven of those</p>	<p>1 you look at sites understand MCS, or Multiple 2 Community Services, PIN has these claims, PIN is still 3 fighting for these claims today, and those Multiple 4 Community Services sites were run by an individual 5 named Anab Awad who was just charged this week because 6 of running a fraud scheme through this very site that 7 Partners is fighting for today. This site, Multiple 8 Community Services, is listed in the indictment.</p> <p>9 Another example if you look at February 10 claims, Sharmarke Issa was also charged this week, 11 operated the Minnesota Somali sites and is a brother 12 of an employee of Partners. Partners didn't even 13 provide documentation for this claim. They just 14 submitted the claim on behalf of Sharmarke and they 15 want the money.</p> <p>16 The July 25 denial is based on the 17 documentation Partners submitted to support their 18 claims and MDE did have a right to require this 19 documentation.</p> <p>20 Whether there was instructions or not of 21 how that documentation is submitted, MDE always has 22 the right to request documentation when there is 23 suspicion of fraud or that the claim is invalid. And, 24 in fact, this is also included in the program 25 agreement that Partners signed when they signed on for</p>

<p style="text-align: right;">Page 21</p> <p>1 these programs, that MDE can request documentation and</p> <p>2 Partners has to provide that in a reasonable time</p> <p>3 frame.</p> <p>4 We requested this documentation because of</p> <p>5 the connections with the fraud investigation to</p> <p>6 Partners and their sites and we only continue to see</p> <p>7 those connections grow.</p> <p>8 So after we provided those instructions to</p> <p>9 Partners, but really after we required the</p> <p>10 documentation, which we have the right to do, MDE then</p> <p>11 had a claim review team review the documentation and</p> <p>12 determine if the claim was supported by the</p> <p>13 documentation, as per the federal regulations of what</p> <p>14 is needed for a valid claim.</p> <p>15 It was Partners' responsibility to ensure</p> <p>16 sites were eligible and true and it was Partners'</p> <p>17 responsibility to make sure that claims were valid</p> <p>18 before they were even submitted to the state agency</p> <p>19 and they failed.</p> <p>20 The process of reviewing meal claim</p> <p>21 documentation should always start with the sponsor.</p> <p>22 The sponsor receives the meal plan documentation from</p> <p>23 their site, Partners also monitors their sites,</p> <p>24 Partners reviews to ensure that those meals met all of</p> <p>25 the requirements under 7 CFR 226, that the</p>	<p style="text-align: right;">Page 23</p> <p>1 of quote.</p> <p>2 My question is what is PIQC's basis that</p> <p>3 any of the USDA memos and guidelines cited by PIQC has</p> <p>4 be absolved PIQC of the obligation to serve,</p> <p>5 quote/unquote, meals?</p> <p>6 MR. WEINHARDT: The thing that the</p> <p>7 USDA guidance did was very substantially loosen the</p> <p>8 requirements for how and when meals are to be served,</p> <p>9 and this particularly goes to the</p> <p>10 ingredients-not-meals basis that hundreds of claims</p> <p>11 were denied on.</p> <p>12 Under the guidance that we described in</p> <p>13 our memorandum, you can't, in the COVID world, have</p> <p>14 children congregate multiple times a day for meals</p> <p>15 that are going to be served to them at a table. There</p> <p>16 had to be a different way to approach that in order to</p> <p>17 keep people safe.</p> <p>18 The way that the USDA directed people to</p> <p>19 do it is to put things together in bulk to make it so</p> <p>20 that parents could go someplace, pick up the package,</p> <p>21 the package would have one week's worth of meals in it</p> <p>22 and that's how the meals would be delivered. And that</p> <p>23 might require some unpacking or whatever on the part</p> <p>24 of parents, but the USDA condoned that because they</p> <p>25 wanted to figure out a way to still meet the pressing</p>
<p style="text-align: right;">Page 22</p> <p>1 documentation is collected and retained for the</p> <p>2 recordkeeping requirements and that the claim can be</p> <p>3 substantiated before the claim is entered into the</p> <p>4 state agency system, and that is what we require</p> <p>5 Partners to provide.</p> <p>6 MDE is correct in denying the meal claims</p> <p>7 because Partners failed to comply with the requirement</p> <p>8 of submitting and substantiating a valid claim. The</p> <p>9 division has included all of the regulatory citations</p> <p>10 in our summary to the Appeal Panel and we would refer</p> <p>11 back to that as they can be different for the</p> <p>12 different reasons of denial. Thank you.</p> <p>13 COMMISSIONER BURRAGE: Thank you</p> <p>14 very much. We will now move to the questions from the</p> <p>15 Panel.</p> <p>16 MS. BEMIS: My questions are for</p> <p>17 PIQC.</p> <p>18 Counsel, I have a question based on your</p> <p>19 reference to Exhibit 11 of PIQC's submission. PIQC</p> <p>20 quoted in paragraph 10 of its September 13, 2022</p> <p>21 appeal statement that, quote, state agencies and</p> <p>22 sponsoring organizations shall exercise discretion</p> <p>23 when meals fall short of meeting meal pattern</p> <p>24 requirements due to the COVID 19 related supply chain</p> <p>25 disruptions during the fiscal federal year 2022, end</p>	<p style="text-align: right;">Page 24</p> <p>1 need without putting people at health risk.</p> <p>2 And so that dramatically changed what is a</p> <p>3 meal for the purposes of how compliance with the</p> <p>4 program is gauged. And MDE did not in any way, shape</p> <p>5 or form take that into account or give us any analysis</p> <p>6 or justification for what it meant when it said</p> <p>7 ingredients, not meals. In fact, for the vast</p> <p>8 majority of those denials in that long chart in the</p> <p>9 July 25 letter, there is no notes, there's no</p> <p>10 explanation, there's no nothing.</p> <p>11 MS. BEMIS: Does PIQC believe that</p> <p>12 the USDA memos and guidelines released PIQC from</p> <p>13 providing documentation required by 7 CFR</p> <p>14 Section 226.20 to support its claims?</p> <p>15 MR. WEINHARDT: The USDA guidance</p> <p>16 does not change the recordkeeping requirements, but it</p> <p>17 also does change the way that one makes decisions when</p> <p>18 it reviews the records because it changes the</p> <p>19 permissible ways in which meals can be delivered.</p> <p>20 MS. BEMIS: What is your basis from</p> <p>21 the federal regulations or any of the USDA memos or</p> <p>22 guidelines that you claim support this belief? Could</p> <p>23 you please provide the Panel with citations to</p> <p>24 specific pages of your claimed authority to that</p> <p>25 effect?</p>

<p style="text-align: right;">Page 25</p> <p>1 MR. WEINHARDT: So I believe that 2 our memorandum discusses this for several pages, and I 3 know the prior memoranda filed with this Panel did the 4 same and then gave the web link to, I think, seven or 5 eight different USDA publications and I think we 6 quoted specific language from those. And so I think 7 our filing explain the point. 8 And the point is not that in our filing we 9 need to explain each meal, each variation, each way in 10 which the rules were loosened. Our point is that MDE 11 is required to incorporate those changes in the rules 12 in its analysis of what's an ingredient and what's a 13 meal, and MDE didn't go that. 14 MS. BEMIS: And going back to the 15 opening and the questions that we just were looking 16 at, does PIQC have a response to examples cited by 17 MDE-NPS specifically related to the claims Think Tech 18 Act and S&S Catering that are implicated in both the 19 earlier FBI affidavits and to the extent relevant to 20 the latest federal indictment? 21 MR. WEINHARDT: I think, first of 22 all, that what was stated in the federal indictments 23 is dramatically different and more specific than what 24 was provided in those earlier search warrant 25 affidavits. We do not believe that the search warrant</p>	<p style="text-align: right;">Page 27</p> <p>1 fully executed CACFP program agreement dated 2 November 6, 2015, and the federal regulations? 3 MR. WEINHARDT: What the contract 4 from 2015 and the federal regulations require is 5 recordkeeping and a right to inspection of those 6 records by MDE as it looks at claims, or even 7 retroactively. 8 What those authorities do not do is 9 require PIQC to affirmatively supply documents in 10 support of every single claim for which it seeks 11 reimbursement. That requirement was contained for the 12 first time in the Meal Claim Instructions that were 13 submitted to PIQC on February 2, and the basis for 14 those Meal Claim Instructions was the January 20 15 suspension. This Panel has decided that the 16 January 20 suspension was improper and it reversed it. 17 That took away any affirmative obligation 18 on PIQC's part to submit documents in support of every 19 single one of its claims. 20 MS. BEMIS: Counsel, PIQC has argued 21 in multiple administrative appeals disputing 22 evidentiary value of the FBI affidavits. In PIQC's 23 appeal statement in this appeal, it argues in 24 paragraph 71 that MDE-NPS has not identified or 25 advanced actual evidence that demonstrates PIQC</p>
<p style="text-align: right;">Page 26</p> <p>1 affidavits provided any level of specificity that 2 would have required PIQC to withdraw any claims. I'll 3 talk about this a little bit more in my closing 4 statement, but it's not PIQC's intention to seek 5 reimbursements and then turn around and pay money to 6 sites where PIQC has a reasonable basis, which in some 7 cases it now has only this week to believe that PIQC 8 was itself the victim of fraud. 9 But all we're asking is that the denials 10 be reversed so that we can go through this 11 apportioning process that 226.14(a) requires, which is 12 you decide what parts of the claims are compensable 13 and what parts of the claims are not compensable. On 14 July 25, PIQC had 100 percent of its claims denied 15 without any apportionment analysis by an agency that 16 did not have the indictments before it. It did not 17 know any of those things. 18 MS. BEMIS: Counsel, paragraph 13 of 19 PIQC's appeal statement that MDE-NPS imposed, quote, a 20 list of increased documentation requirements, end of 21 quote, upon PIQC, quote, without warning or proposed 22 action on January 20, 2022, end of quote. 23 My question is, in PIQC's view, how do 24 these so-called increased requirements differ from the 25 documentary requirements already set forth in PIQC's</p>	<p style="text-align: right;">Page 28</p> <p>1 knowingly submitted a false or fraudulent claim. You 2 also previously requested permission to present live 3 witness testimony at an earlier hearing, which the 4 Panel had granted, but PIQC did not end up calling any 5 witnesses. 6 My question is: At today's hearing, does 7 PIQC intend to introduce any witness's testimony or 8 other types of evidence that PIQC considers to be, 9 quote, actual evidence, unquote, that can contradict 10 the FBI's affidavits? 11 MR. WEINHARDT: First of all, the 12 FBI affidavits that were unsealed in January don't 13 need to be contradicted because they don't contain 14 substantial evidence that would support the claim of 15 wrongdoing on the part of PIQC. There has never been 16 any evidence of knowing misconduct on PIQC's part. 17 We're not calling a live witness today 18 because the appeal procedures that MDE's Appeal Panel 19 is using, which they're following apparently their 20 rules, call for a one-hour hearing at which our 21 ability to make a presentation is only a fraction of 22 that. That simply does not give an opportunity for 23 meaningful live testimony. 24 MS. BEMIS: Did PIQC submit any 25 affidavits of its own or witnesses or any other type</p>

<p style="text-align: right;">Page 29</p> <p>1 of evidentiary documents that can contradict the FBI's 2 affidavits? If so, please name the exhibits for the 3 record.</p> <p>4 MR. WEINHARDT: So they're in the 5 Sharepoint folder and they were submitted as numbered 6 exhibits in the previous claim denial appeals, but 7 PIQC has submitted at least tens of thousands, if not 8 now a six-digit number, of pages of documents that 9 substantiate the claims for which it is seeking 10 reimbursement, and they're divided up and organized 11 site by site, month by month, et cetera, and so that, 12 we think, is very significant evidence to demonstrate 13 that some of the claims here are compensable, and in 14 order for this Panel to reverse, it does not need to 15 decide that 100 percent of the claims are compensable ; 16 rather, it needs to decide that any of the claims are 17 compensable because what MDE did was deny 100 percent 18 of them.</p> <p>19 MS. BEMIS: Counsel, when PIQC 20 submitted the November and December 2021 claims, did 21 PIQC certify that the claims were correct and that the 22 records are available to support the claims as 23 required by 7 CFR 226.10(c)?</p> <p>24 MR. WEINHARDT: I believe that the 25 initial claim submissions for November and December</p>	<p style="text-align: right;">Page 31</p> <p>1 So my question is: Can PIQC please 2 explain how these raw materials in bulk, boxes and 3 bags not contradict Ms. Honer's technical assistance 4 response dated as early as April 28, 2021?</p> <p>5 MR. WEINHARDT: So what PIQC 6 submitted in support of many of the claims are 7 invoices or receipts that demonstrate food that was 8 purchased, but then also menus to show what it was 9 that was served. So the fact that the invoices 10 include things that are ingredients doesn't mean that 11 the ingredients were not, by the site, transformed 12 into ready-to-eat meals.</p> <p>13 The factual disconnect here is whether or 14 not the actual product delivered to the client was a 15 meal or whether it wasn't. The fact that a site 16 purchased raw ingredients doesn't mean that the site 17 didn't cook them. Additionally, the invoices show 18 large quantities of things that are plainly ready to 19 consume on the spot. Bananas, fluid milk, juices, you 20 know, Graham crackers. All sorts of thing of that 21 sort. And those things are plainly compliant.</p> <p>22 And, again, we get into the question of 23 how does MDE apportion those things that it thinks are 24 compensable and those things that it thinks are not 25 compensable because, A, they're not ready to eat and,</p>
<p style="text-align: right;">Page 30</p> <p>1 complied with the Code of Federal Regulations, but 2 that's been a number of months ago and gets into the 3 appeal of those November and December claim denials, 4 which we argued quite a long time ago so I'm going on 5 memory here. I would need to go back and look at 6 those initial submissions to tell you for sure.</p> <p>7 MS. BEMIS: PIQC's Exhibit 9, 8 MDE-NPS's 4/28/2021 response to PIQC's request for 9 technical assistance states, to quote a few segments, 10 program operators may provide bulk foods as long as 11 individual meals and snacks are easily identifiable. 12 Operators should ensure that only minimal preparation 13 is required, food is not provided as ingredients for 14 recipes, ready-to-eat cereal is not credible at lunch 15 or supper.</p> <p>16 The Panel notes many examples of items not 17 ready to eat being in the supporting documentation. 18 For example, in the January 2022 denied claim for site 19 9-18703, Action for East African People, the receipt 20 shows spaghetti pasta in boxes, rice in 5-pound bags, 21 Crystal sugar net weight 10 pounds, kidney beans in 22 16-ounce containers, potatoes in 5-pound bags. The 23 receipt also shows ready-to-eat cereal such as Honey 24 Bunches of Oats with different flavors. These are 25 just a few examples out of the 16 pages of items.</p>	<p style="text-align: right;">Page 32</p> <p>1 B, the site did not, in fact, cook them into a meal. 2 And it's MDE's obligation under this regulation to 3 figure out which parts are compensable and which parts 4 are not. Again, all MDE did was, 100 percent of the 5 time, deny all the claims.</p> <p>6 MS. BEMIS: Related to the question, 7 how can PIQC claim, quote, PIQC has complied with the 8 directives from MDE since those changes to the CACFP 9 went into effect, end of quote, in paragraph 9 of 10 PIQC's appeal statement?</p> <p>11 MR. WEINHARDT: Well, that's a 12 relatively introductory and blanket statement early in 13 the brief, but we make that statement because based 14 upon the tens of thousands, at least, of documents 15 that we have submitted, it shows that there is a good 16 faith effort to comply with the regulations and that 17 the regulations were, in fact, complied with. We 18 believe that that's the case.</p> <p>19 Now, are there gaps and do we now see some 20 things in the indictments that give us pause for 21 concern? Absolutely. But that's not a reason to deny 22 100 percent of the claims. That's a reason to figure 23 out which ones are compensable and which ones are not.</p> <p>24 MS. BEMIS: Does PIQC have anything 25 in the appeals record to show that it deviated from</p>

<p style="text-align: right;">Page 33</p> <p>1 the meal pattern requirements in order to respond to</p> <p>2 the food shortage, such as claimed in paragraph 10 of</p> <p>3 PIQC's appeal statement?</p> <p>4 MR. WEINHARDT: I think that if we</p> <p>5 went through all of the documentation submitted, there</p> <p>6 would be evidence from which you could conclude that.</p> <p>7 But that -- for me to point to that evidence on the</p> <p>8 spot, I would need to review a lot of documents.</p> <p>9 MS. BEMIS: Does PIQC have a</p> <p>10 procedure in place to verify whether the board of</p> <p>11 directors, officers, or employees are connected to any</p> <p>12 of the sites in anything less than an arm's-length</p> <p>13 relationship?</p> <p>14 MR. WEINHARDT: So I would need to</p> <p>15 look and see if there is a written procedure in place</p> <p>16 for that. So I don't know the answer to that. And</p> <p>17 that's not an issue that is in the July 25 claim</p> <p>18 denial, it's not an issue that has been briefed, to my</p> <p>19 knowledge, and so I don't want to get out over my skis</p> <p>20 here in terms of what I know and what I don't.</p> <p>21 MS. BEMIS: PIQC claims in paragraph</p> <p>22 21 of the appeal statement that PIQC has an additional</p> <p>23 39 claims that MDE-NPS neither paid nor addressed.</p> <p>24 What months did these alleged 39 claims</p> <p>25 fall in?</p>	<p style="text-align: right;">Page 35</p> <p>1 MS. CALCATERRA: Yeah, I will ask</p> <p>2 some additional questions. I will ask questions of</p> <p>3 the MDE-NPS.</p> <p>4 First, a couple of questions to follow-up</p> <p>5 on what has been stated. PIQC in its opening</p> <p>6 statement objected to the Panel taking judicial notice</p> <p>7 of the federal indictment that was announced on</p> <p>8 September 20, 2022. Does MDE-NPS have a response to</p> <p>9 that objection?</p> <p>10 MS. HONER: Yes. Kristine, do you</p> <p>11 want to take this one?</p> <p>12 MS. NOGOSEK: Certainly. The</p> <p>13 position of the division is that the Panel should and</p> <p>14 is entitled to, under the judicial notice rule, to go</p> <p>15 ahead and take notice of information in those</p> <p>16 indictments and criminal investigation complaint -- or</p> <p>17 criminal information complaints that bear on the</p> <p>18 validity of some of the claims that PIQC is seeking a</p> <p>19 denial of -- or I'm sorry that PIQC is seeking a</p> <p>20 reversal of the division's denial of the claims.</p> <p>21 MS. CALCATERRA: Next, PIQC stated</p> <p>22 at the hearing that while the invoices showed certain</p> <p>23 bulk -- bulk raw materials, the submitted menus showed</p> <p>24 what was served. Invoices does not mean that what was</p> <p>25 actual product reflected in the invoices went to the</p>
<p style="text-align: right;">Page 34</p> <p>1 MR. WEINHARDT: I know they're in</p> <p>2 the January to May time frame. I can't apportion them</p> <p>3 according to month. I mean we could, but, again, as I</p> <p>4 sit here, I don't know where they fall.</p> <p>5 MS. BEMIS: Paragraph 21 does not</p> <p>6 contain a citation to the appeal record. In the</p> <p>7 interest of administrative efficiency, could PIQC</p> <p>8 please identify which exhibits in the appeal record</p> <p>9 that relates directly to the 39 claims?</p> <p>10 MR. WEINHARDT: So we can go back</p> <p>11 and try to identify those and let you know what</p> <p>12 exhibits -- so let me make a note of that, paragraph</p> <p>13 21. I think we can go back and tell you which ones</p> <p>14 we're talking about.</p> <p>15 MS. BEMIS: Have transactional</p> <p>16 records with any of the companies listed as examples</p> <p>17 in the two FBI affidavits, such as Empire Cuisine and</p> <p>18 Markets and S&S Catering, been used to support any of</p> <p>19 PIQC's January through May claims?</p> <p>20 MR. WEINHARDT: I think the answer</p> <p>21 to that question is yes. Again, I'd need to look at</p> <p>22 the documents, but it is the case that PIQC was doing</p> <p>23 business with those two entities.</p> <p>24 MS. BEMIS: That is it for mine.</p> <p>25 Karen?</p>	<p style="text-align: right;">Page 36</p> <p>1 recipients. What is MDE-NPS's response to that?</p> <p>2 MS. HONER: Yeah, thank you for</p> <p>3 asking that question. So I want to address that by</p> <p>4 saying food production records are also part of the</p> <p>5 claim. And so the fact that food production records</p> <p>6 could not be provided does not tell us that food was</p> <p>7 actually produced on that site. I would also</p> <p>8 challenge Partners to even provide a food and beverage</p> <p>9 license that food was being prepared on that site.</p> <p>10 Additionally, in prior appeals, prior</p> <p>11 documentation, Partners has challenged MDE in saying</p> <p>12 that dry goods should have been or could have been</p> <p>13 served and now they're changing their mind and saying,</p> <p>14 no, the food was dry goods and it was cooked. It</p> <p>15 wasn't cooked. And Partners' documentation supports</p> <p>16 that it wasn't cooked, that it was provided in those</p> <p>17 dry good bulk settings, that's what we reviewed,</p> <p>18 that's what our claim team reviewed.</p> <p>19 The additional thing I want to correct</p> <p>20 here is that USDA did not change how documentation is</p> <p>21 reviewed. In fact, sponsors across the state were</p> <p>22 able to continue to support their claims, support</p> <p>23 their meals on reviews with the same type of</p> <p>24 documentation that we've always been looking at.</p> <p>25 Also, USDA has always said from the very</p>

<p style="text-align: right;">Page 37</p> <p>1 beginning that meals must be unitized. They have 2 never once waived that requirement. MDE provided 3 additional guidance on this throughout the COVID 19 4 pandemic and for the CACFP program year '22 guidance, 5 that we released in bulletins, that we released to all 6 sponsors operating CACFP in this program year, we 7 specifically said the noncongregate waiver should not 8 be used across the board, it should only be used as 9 necessary for a COVID 19 outbreak, tat congregate 10 settings were encouraged, schools were back in place, 11 congregate settings were being used. 12 So there is no reason for that bulk meals 13 to be delivered and we absolutely saw from the claim 14 review of Partners' documentation that that -- that 15 those dry goods were not cooked. 16 MS. CALCATERRA: One of MDE-NPS's 17 duplicatively numbered attachment 3 is a 2016 criminal 18 complaint against Sharon Ross and there is also a case 19 search document regarding Ms. Ross. 20 Because MDE-NPS's appeal summary has not 21 referenced Sharon Ross or these two documents, just so 22 the record is clear, could MDE-NPS briefly state the 23 specific relevance of these two documents to PIQC's 24 appeal at hand? 25 MS. HONER: Yeah, absolutely. So</p>	<p style="text-align: right;">Page 39</p> <p>1 July 25 decision that we're here for today were 2 remanded from the Appeal Panel back to MDE for 3 clarification. So we clarified those in the letter of 4 action on July 25 so we didn't feel that the Excel 5 spreadsheet was needed because the information that 6 would have been in there was contained in the 7 clarifications provided in the letter of action. 8 MS. CALCATERRA: MDE-NPS denied 9 claims from November of 2021 through -- wait -- 10 May 2022. MDE-NPS month/year folders do not include 11 one for May 2022. 12 Was there a reason the May 2022 folder was 13 not submitted to the appeal record? 14 MS. HONER: Yeah, great question. 15 So that documentation that was provided was a copy of 16 what Partners provided for MDE. So we took the 17 documentation from Partner s' Sharepoint time that they 18 had uploaded their claim documentation to, that's what 19 we reviewed and that's what we put in the appeal file 20 folder. 21 At the time of the -- actually, I 22 shouldn't say that. At the time of the July 25 23 denial, there was no documentation for the May claim. 24 So that's also where you'll see on the letter of 25 action, Partners didn't even try to attempt to provide</p>
<p style="text-align: right;">Page 38</p> <p>1 with that, when we were reviewing claims from 2 Partners, House of Refuge does have claims 3 additionally. House of Refuge was operating or 4 claiming to operate at other churches that were not 5 necessarily listed as House of Refuge for the sites 6 that Partners claimed for. 7 It is important to note that Sharon Ross 8 was not eligible to even participate in CACFP because 9 of that conviction and so throughout the claim denial, 10 we had referenced House of Refuge's claim denial, but 11 we also wanted to support that there were additional 12 reasons that those claims should not have been 13 submitted and that House of Refuge should not have 14 been allowed to operate in the way that they were 15 operating. 16 MS. CALCATERRA: It appears that 17 MDE-NPS denied claims from November 2021 through May 18 2022. In the MDE-NPS's Sharepoint folder only Excel 19 sheets for claim summaries from January to May of 2022 20 were submitted to the appeal record. 21 Was there a reason no such sheets for the 22 remanded November and December 2021 claims were 23 submitted to the appeal record? 24 MS. HONER: Yeah, that is because 25 November and December claims that were denied in this</p>	<p style="text-align: right;">Page 40</p> <p>1 documentation for certain claims. 2 MS. CALCATERRA: PIQC claims in 3 paragraph 21 of its appeal statement that PIQC has an 4 additional 39 claims that MDE-NPS neither paid nor 5 addressed. Does MDE-NPS wish to respond to this 6 contention? 7 MS. HONER: MDE-NPS will have to go 8 back and review the claims that were submitted after 9 the denial -- after the July 25 denial. 10 It is our position or understanding -- and 11 Kristine, feel free to jump in if you want to correct 12 me on this -- but the May 27 letter alone allows us to 13 not pay claims we immediately terminated Partners. So 14 any claims submitted after that, we had not reviewed. 15 Additionally, Partners continued to submit 16 claims for June and possibly additional months after 17 that, July and August, I'd have to look , but they had 18 been terminated at that point. 19 MS. CALCATERRA: PIQC represents in 20 paragraph 56 of its appeal statement, quote, PIQC 21 provided MDE with invoices and menus that do support 22 all 162, (162) of the claims, end of quote, that 23 MDE-NPS denied for invoice and/or menus do not support 24 the claim. 25 My question is, does MDE-NPS agree with</p>

<p style="text-align: right;">Page 41</p> <p>1 PIQC's representation?</p> <p>2 MS. HONER: Absolutely not. The</p> <p>3 invoices only show that Partners failed to comply with</p> <p>4 the federal program regulations.</p> <p>5 MS. CALCATERRA: Could MDE-NPS</p> <p>6 please provide one random example out of the 162 to</p> <p>7 show that PIQC's representation is incorrect?</p> <p>8 MS. HONER: Off the top of my head,</p> <p>9 no, but we could definitely get that.</p> <p>10 MS. CALCATERRA: Of the 14 claims</p> <p>11 MDE-NPS denied on the basis of, quote/unquote, missing</p> <p>12 some documents, was there any additional description</p> <p>13 other than some documents to put PIQC on notice as to</p> <p>14 what types of documents were missing, such as the one</p> <p>15 presented as an example in MDE-NPS's appeal summary</p> <p>16 missing invoices?</p> <p>17 MS. HONER: I believe that Partners</p> <p>18 could look at the claim summaries that were provided</p> <p>19 to them in the decision to see which claim documents</p> <p>20 were missing. I'd also like to go back, and I'm going</p> <p>21 to try to find my summary here, but I do believe that</p> <p>22 examples of each denial reason were provided by the</p> <p>23 division in the summary, which is titled in the appeal</p> <p>24 file folder PIQC Denial of Claims November through</p> <p>25 May, Summary and Timeline. There should be updated</p>	<p style="text-align: right;">Page 43</p> <p>1 MS. BEMIS: Thank you.</p> <p>2 COMMISSIONER BURRAGE: Are there any</p> <p>3 other questions from the Panel? All right, thank you</p> <p>4 very much.</p> <p>5 We will now move into with the final</p> <p>6 statements. We will start with MDE and you will have</p> <p>7 five minutes for your final statements.</p> <p>8 MS. HONER: Thank you, Appeal Panel.</p> <p>9 So what I want to close with, I'm glad that I was</p> <p>10 asked the question about the meals and how they were</p> <p>11 delivered here during COVID and during this review</p> <p>12 period of time.</p> <p>13 You know, as we look at dry ingredients</p> <p>14 and what was provided to children, the Appeal Panel is</p> <p>15 exactly right in looking at how children need to eat</p> <p>16 ready-to-eat, unitized meals. And as you look at</p> <p>17 those invoices, that is just simply not the case.</p> <p>18 And even for Partners to explain today</p> <p>19 that, you know, they handed out fluid milk which could</p> <p>20 be drank easily at the site, if you look at those</p> <p>21 invoices, they were handing out gallons of milk. A</p> <p>22 gallon of milk is not realistic and it is not a</p> <p>23 unitized meal.</p> <p>24 Additionally, as we look at the</p> <p>25 documentation here today from the claims, Partners</p>
<p style="text-align: right;">Page 42</p> <p>1 examples in there that I would refer the Appeal Panel</p> <p>2 to look at.</p> <p>3 MS. CALCATERRA: That concludes the</p> <p>4 questions that I have. I would ask other panel</p> <p>5 members if they have any additional questions for</p> <p>6 either party at this time?</p> <p>7 MS. BEMIS: Yes, I have one. Could</p> <p>8 I ask PIQC, since PIQC is supposed to already be</p> <p>9 vetting its claims before submission, how long does</p> <p>10 PIQC need to get back to the panel regarding the 39</p> <p>11 claims? Would September 28, 2022 be a sufficient</p> <p>12 time?</p> <p>13 MR. WEINHARDT: That's five days,</p> <p>14 and those are busy days for us because September --</p> <p>15 because next week we're going to be preparing for the</p> <p>16 temporary injunction hearing in federal court. I'd</p> <p>17 ask that we have until the end of the following week.</p> <p>18 So the end of the first week of October I'm sure we</p> <p>19 could get back to the Panel in time for that, and I</p> <p>20 think that would still be well within the Panel's</p> <p>21 deadline for issuing its decision in this appeal.</p> <p>22 MS. BEMIS: What is the date you're</p> <p>23 proposing?</p> <p>24 MR. WEINHARDT: So it would be</p> <p>25 October 7.</p>	<p style="text-align: right;">Page 44</p> <p>1 believes that they followed the regulations, yet they</p> <p>2 can't provide the documentation. They still are</p> <p>3 claiming that all of these claims are real by</p> <p>4 appealing that all claims that were denied. They are</p> <p>5 still refusing to do the work of a sponsor that is</p> <p>6 required when they signed that program agreement</p> <p>7 agreeing to the regulations and so the compliance of a</p> <p>8 federal program.</p> <p>9 Partners is not reviewing their claims</p> <p>10 before submission. They are just letting those claims</p> <p>11 go through. They can't tell us that they have looked</p> <p>12 at every single claim and that they validated those</p> <p>13 before they submitted them, and that we still found</p> <p>14 out this week a very high number of Partners claims</p> <p>15 and sites were fraudulent.</p> <p>16 It's just not possible that they were able</p> <p>17 to do that work and that this still happened, and</p> <p>18 we've got claims in pending status where the site</p> <p>19 operator is being charged.</p> <p>20 PIN's argument today or Partners' argument</p> <p>21 today is that they can submit anything and it is the</p> <p>22 state agency's job to sift through and to try to</p> <p>23 interpret. That is not the case. The burden of proof</p> <p>24 is not on the state agency.</p> <p>25 PIN is the one who should be reviewing</p>

<p style="text-align: right;">Page 45</p> <p>1 those claims, who should be removing claims that are</p> <p>2 not valid, who should be training their sites,</p> <p>3 ensuring that those sites are true and accurate. And</p> <p>4 that's obviously not the case.</p> <p>5 We cannot even believe that we are here</p> <p>6 today and Partners is continuing to fight for these</p> <p>7 fraudulent claims. We can't believe that nothing has</p> <p>8 been changed with those claims, that we are finding</p> <p>9 out more and more information in each of those</p> <p>10 affidavits and indictments and that we're still here.</p> <p>11 Partners is so deep in this fraud scheme</p> <p>12 and it continues to push for the claims to be paid</p> <p>13 that we know were operated for the purpose of</p> <p>14 defrauding the government. They are on the record</p> <p>15 today fighting for that.</p> <p>16 I'm going to give you a few more examples</p> <p>17 here. If you look at the indictment of Haji Salad,</p> <p>18 there are at least 12 sites under Partners which Haji</p> <p>19 was obtaining funds fraudulently from.</p> <p>20 If you look at the indictment United</p> <p>21 States versus Fahad Harah (phonetic), 14 sites under</p> <p>22 Partners. The evidence is mounting.</p> <p>23 There absolutely has been evidence of the</p> <p>24 wrongdoing on Partners' part, and that's the last</p> <p>25 piece that I want to correct here today before I</p>	<p style="text-align: right;">Page 47</p> <p>1 COMMISSIONER BURRAGE: Thank you.</p> <p>2 Next Mr. Weinhardt.</p> <p>3 MR. WEINHARDT: Thank you. MDE does</p> <p>4 not say to this Panel that all of the claims -- or</p> <p>5 that it knows that all of the claims that PIQC</p> <p>6 submitted are improper, unsupported or anything of</p> <p>7 that sort.</p> <p>8 There is no claim that no one was fed,</p> <p>9 there is no claim that all of the money was wasted or</p> <p>10 fraudulent. That is not MDE's position. Yet MDE's</p> <p>11 position is that it, nonetheless, is entitled to deny</p> <p>12 100 percent of the claims because, well, it just</p> <p>13 doesn't want to pay any of them.</p> <p>14 Now, we are not here to contend that MDE</p> <p>15 should pay Partners so that Partners should pay a site</p> <p>16 if the site was engaged in fraudulent activity. And</p> <p>17 we've only had these indictments for a very few days</p> <p>18 and it's not Partners' intention to try to continue to</p> <p>19 perpetrate on behalf of somebody who deceived</p> <p>20 Partners, but continue to perpetrate improper</p> <p>21 activity.</p> <p>22 What needs to happen, according to the</p> <p>23 regulation that this Panel has recognized is</p> <p>24 applicable and that MDE has never responded to in any</p> <p>25 of its comments today, is to apportion what parts of</p>
<p style="text-align: right;">Page 46</p> <p>1 leave, and that May affidavit absolutely proved that</p> <p>2 Partners had done wrongdoing, but Partners is not the</p> <p>3 victim of fraud. Partners was the route in which</p> <p>4 fraud occurred in the amount of \$179 million that was</p> <p>5 as according to the indictments.</p> <p>6 As we all agree, Partners is Sponsor A.</p> <p>7 And to prove even further that Partners is not the</p> <p>8 victim of fraud, I would encourage the Appeal Panel to</p> <p>9 look at the United States versus Farah indictment,</p> <p>10 page 9, J.S., the initials J.S. That is Julius</p> <p>11 Scarver from Partners in Quality Care. If you look at</p> <p>12 page 14, it explains that Sponsor A, who is Partners,</p> <p>13 received bribes and kickbacks from employees and</p> <p>14 former employees. Partners is not the victim of</p> <p>15 fraud.</p> <p>16 And even despite all of that mounting</p> <p>17 evidence that we are seeing over and over, Partners</p> <p>18 still was not able to provide the documentation, the</p> <p>19 regulatory required documentation, to support any of</p> <p>20 these claims.</p> <p>21 I'm going to end with that in saying,</p> <p>22 again, we have reviewed the claim documentation, it is</p> <p>23 not correct. The July 25 letter of action to Partners</p> <p>24 is correct. And I think we can all agree that this</p> <p>25 decision needs to be affirmed. Thank you.</p>	<p style="text-align: right;">Page 48</p> <p>1 these claims are compensable and what parts are not</p> <p>2 compensable. If some part of them is compensable, if</p> <p>3 some children were properly fed, then a 100 percent</p> <p>4 across the board claim denial is improper.</p> <p>5 And that's what this appeal is entirely</p> <p>6 about, is whether or not MDE was within its legal</p> <p>7 rights to, on a blanket basis, deny every claim</p> <p>8 without looking at them, without thinking about them,</p> <p>9 but just to say Partners in Quality Care, you're shut</p> <p>10 out.</p> <p>11 That was legal error. And if this Panel</p> <p>12 reverses that claim denial, that would then permit the</p> <p>13 parties to engage in a collaborative process, which</p> <p>14 unfortunately went out the window on January 20, but</p> <p>15 existed before that and existed well. It would allow</p> <p>16 the parties to engage in a collaborative process to</p> <p>17 try to get down to the truth of what happened, who got</p> <p>18 fed, who didn't get fed, what money was properly</p> <p>19 spent, what money was not properly spend.</p> <p>20 Everyone in this hearing knows that there</p> <p>21 are honest, hard working, good faith people associated</p> <p>22 with many of these sites, trying their best on limited</p> <p>23 budgets to try to meet needs in the community and</p> <p>24 needs that were desperately pressing during the COVID</p> <p>25 pandemic. And it is amazingly hard hearted for MDE to</p>

<p style="text-align: right;">Page 49</p> <p>1 try to say no to all of those people on the basis of</p> <p>2 the other bad apples that were in the bunch. And</p> <p>3 that's essentially what MDE is trying to do here.</p> <p>4 With regard to the indictment as a basis</p> <p>5 to affirm the July 25 decision, look, the law is just</p> <p>6 the law and this is like first week or two of law</p> <p>7 school. This Panel is an appellate panel. This Panel</p> <p>8 reviews what is in the past. It reviews what has</p> <p>9 already been done and what has already happened.</p> <p>10 And the thing that it is reviewing is a</p> <p>11 July 25 decision. Anything that happened after</p> <p>12 July 25 is a new set of facts that has nothing to do</p> <p>13 with whether the decision on July 25 was incorrect.</p> <p>14 Now, reverse that decision and we can, in</p> <p>15 a collaborative way, take into account the new facts</p> <p>16 we know, then the indictments do become relevant and</p> <p>17 we can do something with them.</p> <p>18 But the fact that the indictments exist</p> <p>19 now does not mean that they existed on July 25 and</p> <p>20 that they informed the decision that was made at that</p> <p>21 time.</p> <p>22 MDE, frankly, is back on its heels about</p> <p>23 this whole situation, and we understand that, but</p> <p>24 that's not a reason to act with a chainsaw instead of</p> <p>25 a scalpel in terms of how these claims are going to be</p>	<p style="text-align: right;">Page 51</p> <p>1 paragraph 56 of its appeal statement, quote, PIQC</p> <p>2 provided MDE with invoices and menus that do support</p> <p>3 all 162 of the claims, end of quote. MDE-NPS denied</p> <p>4 for invoice and/or menu do not support the claims.</p> <p>5 Similar to the date requested by PIQC,</p> <p>6 we'll give MDE-NPS also until October 7 to get back to</p> <p>7 the Panel on that.</p> <p>8 I'd like to thank everyone for coming --</p> <p>9 MS. HONER: Yeah, I'd like to just</p> <p>10 clarify with that, is Partners saying -- and did you</p> <p>11 say it was page 56 or item 56?</p> <p>12 COMMISSIONER BURRAGE: I have</p> <p>13 representation in paragraph 56 of its appeal</p> <p>14 statement, quote.</p> <p>15 MS. HONER: All right. So I'd like</p> <p>16 to ask the clarifying question with that. Is Partners</p> <p>17 providing us an example of where the documentation</p> <p>18 supports? Because, once again, it's not the state</p> <p>19 agency's responsibility for the burden of proof, it is</p> <p>20 the sponsors.</p> <p>21 Or are they just simply having a blanket</p> <p>22 statement that their documents support it? Because</p> <p>23 our review team has obviously proved that that is not</p> <p>24 the case.</p> <p>25 MR. WEINHARDT: So we made a</p>
<p style="text-align: right;">Page 50</p> <p>1 adjudicated and who gets paid and who does not get</p> <p>2 paid. And it's also not a reason to misrepresent the</p> <p>3 records.</p> <p>4 The very first justification in the</p> <p>5 July 25 letter -- and the bulk of the justification is</p> <p>6 the May 27 termination of PIQC's contract and yet</p> <p>7 MDE's representative in this proceeding says that that</p> <p>8 wasn't a justification at all.</p> <p>9 Well, I would urge the Panel members to go</p> <p>10 back and read just the first few paragraphs of the</p> <p>11 July 25 letter. It's plain that the May 27 decision</p> <p>12 is the first justification for what happened here,</p> <p>13 which we think was improper.</p> <p>14 Why would MDE misrepresent the record</p> <p>15 here? It simply does not make sense. They need to</p> <p>16 take credible and consistent positions. Our credible</p> <p>17 and consistent position is that a 100 percent claim</p> <p>18 denial is legally wrong and should be reversed so that</p> <p>19 we can go all do the work of figuring out who really</p> <p>20 should get paid.</p> <p>21 COMMISSIONER BURRAGE: Thank you</p> <p>22 very much for your closing statement. I'd like to</p> <p>23 leave us today, MDE-NPS in answering a Panel question</p> <p>24 stated it would get back to the Panel regarding an</p> <p>25 example to contradict PIQC's representation in</p>	<p style="text-align: right;">Page 52</p> <p>1 statement in the documents and the Panel has asked for</p> <p>2 an example to contradict the statement. I think the</p> <p>3 Panel is within its rights to ask for that and it's</p> <p>4 not, I think, PIQC's obligation to prove each one of</p> <p>5 450-some-odd claims are correct before the -- before</p> <p>6 MDE is supposed to come up with one single example in</p> <p>7 response to the Appeal Panel.</p> <p>8 MS. HONER: Right. It was your</p> <p>9 responsibility --</p> <p>10 COMMISSIONER BURRAGE: So let me say</p> <p>11 this -- thank you -- we will, because we do not want</p> <p>12 to have any discussion going back and forth between</p> <p>13 the two right now, what we'll do is we will make sure</p> <p>14 that we -- Kathleen, I see you present.</p> <p>15 MS. REITZ: I heard the questions.</p> <p>16 This Panel -- I believe the Panel did not ask the</p> <p>17 additional information to reverse any sort of burden</p> <p>18 of proof in this case.</p> <p>19 That was, basically, a question to verify</p> <p>20 the accuracy of a statement provided in the brief of</p> <p>21 PIQC because PIQC made a blanket statement standing by</p> <p>22 the accuracy of everything it submitted. So just to</p> <p>23 assist the Panel in understanding the representations</p> <p>24 of the PIQC's statements in the interests of</p> <p>25 administrative efficiency, that the Panel is asking a</p>

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<p>1 simple clarification question.</p> <p>2 So, Emily, I don't believe the Panel is</p> <p>3 asking MDE to prove what is supposed to be proven by</p> <p>4 PIQC.</p> <p>5 MS. BEMIS: What we were requesting</p> <p>6 is that you would provide one random example out of</p> <p>7 the 162 to show that PIQC's representation is</p> <p>8 incorrect because when we asked the question, you said</p> <p>9 you would have to go look and we just want one</p> <p>10 example.</p> <p>11 MS. HONER: So, Kristine, are you</p> <p>12 understanding what's needed and we can debrief after?</p> <p>13 MS. NOGOSEK: Let me just ask it</p> <p>14 this way: Could someone on the Panel or Kathleen</p> <p>15 simply restate what it is that you're asking the</p> <p>16 division for and we will get that to you, just so we</p> <p>17 are -- everyone is clear.</p> <p>18 MS. BEMIS: Okay.</p> <p>19 COMMISSIONER BURRAGE: Go ahead,</p> <p>20 Kathleen. Let Kathleen provide it.</p> <p>21 MS. REITZ: Sure. I believe the</p> <p>22 question where Ms. Bemis was asking at the time where</p> <p>23 Ms. Honer responded with she would like to go back and</p> <p>24 look and get back to the Panel was a question along</p> <p>25 the line of PIQC made a representation in paragraph 56</p>	<p>1 (Proceedings concluded at 11:15 a.m.)</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 of the appeal statement, quote, PIQC provided MDE with</p> <p>2 invoices and menus that do support all 162 of the</p> <p>3 claims, end of quote, that the MDE-NPS has denied for</p> <p>4 invoice and/or menu do not support the claims.</p> <p>5 And Ms. Bemis asked, does MDE-NPS agree</p> <p>6 with PIQC's representation, and if my notes are right,</p> <p>7 Ms. Honer didn't agree, which was why Ms. Bemis asked</p> <p>8 since you didn't agree, could MDE-NPS please provide</p> <p>9 one random example to show that PIQC's representation</p> <p>10 is incorrect.</p> <p>11 It was really a clarification of whether</p> <p>12 any representation was inaccurate; it wasn't to</p> <p>13 reverse any burden of proof.</p> <p>14 MS. NOGOSEK: Understood. Thank you</p> <p>15 for that clarification.</p> <p>16 MS. CALCATERRA: I want to clarify</p> <p>17 that it was myself, Karen Calcatterra, that asked that</p> <p>18 question originally.</p> <p>19 MS. REITZ: I'm so sorry, I didn't</p> <p>20 take down in my notes who said what. So my apologies.</p> <p>21 COMMISSIONER BURRAGE: Thank you.</p> <p>22 Okay, so that has -- we have answered that question.</p> <p>23 I would like to thank everyone for participating today</p> <p>24 and we will wait for the information and follow-up in</p> <p>25 print. Everyone have a wonderful day.</p>	<p>1 STATE OF MINNESOTA)</p> <p>2 COUNTY OF WRIGHT)</p> <p>3 REPORTER'S CERTIFICATE</p> <p>4</p> <p>5</p> <p>6 I, Gail M. Hinrichs, do hereby certify that</p> <p>7 the above and foregoing transcript, consisting of the</p> <p>8 preceding 55 pages is a correct transcript of my</p> <p>9 stenograph notes, and is a full, true and complete</p> <p>10 transcript of the proceedings to the best of my</p> <p>11 ability.</p> <p>12 Dated September 24, 2022</p> <p>13</p> <p>14</p> <p>15 <u>/s/ Gail M. Hinrichs, RPR</u></p> <p>16 Gail M. Hinrichs</p> <p>17 Registered Professional Reporter</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p>COMMISSIONER BURRAGE: [23] 2/23 3/18 4/2 4/6 4/13 5/11 5/14 5/21 6/6 6/21 7/1 7/10 7/16 8/3 15/7 22/12 43/1 46/25 50/20 51/11 52/9 53/18 54/20</p> <p>COURT REPORTER: [1] 6/24</p> <p>MR. TAUBER: [1] 5/5</p> <p>MR. WEINHARDT: [27] 3/16 3/25 4/3 4/8 5/8 5/13 5/15 8/5 23/5 24/14 24/25 25/20 27/2 28/10 29/3 29/23 31/4 32/10 33/3 33/13 33/25 34/9 34/19 42/12 42/23 47/2 51/24</p> <p>MS. BEMIS: [24] 5/25 6/19 6/22 22/15 24/10 24/19 25/13 26/17 27/19 28/23 29/18 30/6 32/5 32/23 33/8 33/20 34/4 34/14 34/23 42/6 42/21 42/25 53/4 53/17</p> <p>MS. CALCATERRA: [14] 5/23 7/12 7/19 34/25 35/20 37/15 38/15 39/7 40/1 40/18 41/4 41/9 42/2 54/15</p> <p>MS. HERRERA: [1] 4/17</p> <p>MS. HONER: [18] 3/21 4/20 7/3 15/9 35/9 36/1 37/24 38/23 39/13 40/6 41/1 41/7 41/16 43/7 51/8 51/14 52/7 53/10</p> <p>MS. JOHNSON-REED: [1] 4/24</p> <p>MS. NOGOSEK: [4] 5/2 35/11 53/12 54/13</p> <p>MS. 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31/3</p> <p>tell [4] 30/6 34/13 36/6 44/11</p> <p>telling [1] 17/16</p> <p>temporary [3] 11/13 11/15 42/16</p> <p>ten [1] 6/13</p> <p>tens [2] 29/7 32/14</p> <p>terminate [4] 11/3 11/23 12/2 17/2</p> <p>terminated [2] 40/13 40/18</p> <p>termination [2] 11/1 50/6</p>	<p>terms [2] 33/20 49/25</p> <p>testimony [3] 28/3 28/7 28/23</p> <p>than [5] 9/17 9/22 25/23 33/12 41/13</p> <p>thank [23] 5/22 6/7 7/2 7/19 8/4 8/6 15/8 15/10 22/12 22/13 36/2 43/1 43/3 43/8 46/25 47/1 47/3 50/21 51/8 52/11 54/14 54/21 54/23</p> <p>that [371]</p> <p>that's [23] 4/14 10/24 15/1 18/7 18/22 23/22 30/2 32/11 32/18 32/21 32/22 33/17 36/17 36/18 39/18 39/19 39/24 42/13 45/4 45/24 48/5 49/3 49/24</p> <p>their [14] 17/7 20/17 21/6 21/23 21/23 28/19 36/13 36/22 36/23 39/18 44/9 45/2 48/22 51/22</p> <p>them [15] 12/23 15/5 18/25 23/15 29/18 31/17 32/1 34/2 41/19 44/13 47/13 48/2 48/8 48/8 49/17</p> <p>then [19] 3/8 3/10 4/16 5/23 6/15 6/16 7/18 11/7 11/10 11/18 12/17 15/12 21/10 25/4 26/5 31/8 48/3 48/12 49/16</p> <p>there [36] 3/8 6/8 9/6 10/7 13/11 13/14 13/17 13/18 13/24 14/11 15/5 20/20 20/22 23/15 24/9 28/15 32/15 32/19 33/5 33/15 37/12 37/18 38/11 38/21 39/6 39/12 39/23 41/12 41/25 42/1 43/2 45/18 45/23 47/8 47/9 48/20</p> <p>there's [2] 24/9 24/10</p> <p>these [25] 11/8 11/18 14/2 14/12 14/16 14/17 16/15 17/9 17/25 20/2 20/3 21/1 26/24 30/24 31/2 33/24 37/21 37/23 44/3 45/6 46/20 47/17 48/1 48/22 49/25</p> <p>they [41] 9/12 9/14 12/21 17/6 17/20 18/3 20/13 20/14 20/25 21/18 21/19 22/11 23/24 28/13 29/5 34/4 37/1 38/14 39/17 40/17 42/5 43/10 43/19 43/21 44/1 44/1 44/2 44/4 44/6 44/10 44/11 44/11 44/12 44/13 44/16</p>	<p>44/21 45/14 49/19 49/20 50/15 51/21</p> <p>they're [6] 28/19 29/4 29/10 31/25 34/1 36/13</p> <p>thing [5] 7/14 23/6 31/20 36/19 49/10</p> <p>things [10] 8/22 9/6 23/19 26/17 31/10 31/18 31/21 31/23 31/24 32/20</p> <p>think [20] 3/24 7/6 7/7 7/8 10/6 19/1 25/4 25/5 25/6 25/17 25/21 29/12 33/4 34/13 34/20 42/20 46/24 50/13 52/2 52/4</p> <p>thinking [1] 48/8</p> <p>thinks [2] 31/23 31/24</p> <p>this [85]</p> <p>those [58]</p> <p>though [2] 5/10 15/5</p> <p>thousands [2] 29/7 32/14</p> <p>through [19] 3/5 4/12 4/13 6/9 7/9 8/16 17/10 17/14 18/5 19/5 20/6 26/10 33/5 34/19 38/17 39/9 41/24 44/11 44/22</p> <p>throughout [3] 15/16 37/3 38/9</p> <p>thus [1] 14/16</p> <p>time [21] 3/8 6/17 8/20 10/5 12/19 15/6 16/5 21/2 27/12 30/4 32/5 34/2 39/17 39/21 39/22 42/6 42/12 42/19 43/12 49/21 53/22</p> <p>Timeline [1] 41/25</p> <p>times [1] 23/14</p> <p>titled [1] 41/23</p> <p>today [34] 3/4 4/24 6/6 6/10 8/13 8/14 15/5 15/20 15/25 16/7 16/20 16/24 17/1 17/3 17/14 17/17 17/25 18/7 18/18 18/24 20/3 20/7 28/17 39/1 43/18 43/25 44/20 44/21 45/6 45/15 45/25 47/25 50/23 54/23</p> <p>today's [3] 8/1 8/3 28/6</p> <p>together [1] 23/19</p> <p>took [4] 9/1 12/9 27/17 39/16</p> <p>top [1] 41/8</p> <p>Tousignant [2] 2/23 5/19</p> <p>Tower [2] 2/6 2/10</p> <p>training [1] 45/2</p> <p>transactional [1] 34/15</p> <p>transcript [3] 56/7 56/8 56/10</p> <p>transformed [1] 31/11</p> <p>tried [1] 3/23</p>	<p>true [4] 10/24 21/16 45/3 56/9</p> <p>truth [1] 48/17</p> <p>try [9] 14/22 34/11 39/25 41/21 44/22 47/18 48/17 48/23 49/1</p> <p>trying [2] 48/22 49/3</p> <p>turn [1] 26/5</p> <p>two [8] 9/14 10/14 34/17 34/23 37/21 37/23 49/6 52/13</p> <p>type [2] 28/25 36/23</p> <p>types [2] 28/8 41/14</p> <p>U</p> <p>U.S [1] 7/22</p> <p>uncovered [1] 17/22</p> <p>under [9] 13/20 15/22 18/13 21/25 23/12 32/2 35/14 45/18 45/21</p> <p>understand [3] 16/19 20/1 49/23</p> <p>understanding [3] 40/10 52/23 53/12</p> <p>Understood [1] 54/14</p> <p>unfortunately [1] 48/14</p> <p>United [2] 45/20 46/9</p> <p>unitized [4] 19/11 37/1 43/16 43/23</p> <p>unpackaging [1] 23/23</p> <p>unquote [3] 23/5 28/9 41/11</p> <p>unsealed [2] 9/25 28/12</p> <p>unsupported [2] 11/3 47/6</p> <p>until [5] 11/24 12/4 17/22 42/17 51/6</p> <p>up [12] 3/24 4/2 11/24 12/4 14/10 19/16 23/20 28/4 29/10 35/4 52/6 54/24</p> <p>updated [1] 41/25</p> <p>upload [2] 13/17 19/14</p> <p>uploaded [3] 13/15 19/8 39/18</p> <p>upon [2] 26/21 32/14</p> <p>urge [1] 50/9</p> <p>us [9] 4/8 24/5 32/20 36/6 40/12 42/14 44/11 50/23 51/17</p> <p>USDA [13] 14/1 14/3 15/19 23/3 23/7 23/18 23/24 24/12 24/15 24/21 25/5 36/20 36/25</p> <p>used [4] 34/18 37/8 37/8 37/11</p> <p>using [1] 28/19</p> <p>V</p> <p>valid [6] 11/21 18/2 21/14 21/17 22/8 45/2</p>	<p>validated [1] 44/12</p> <p>validity [1] 35/18</p> <p>value [1] 27/22</p> <p>variation [1] 25/9</p> <p>vast [1] 24/7</p> <p>vendor [2] 16/20 19/21</p> <p>vendors [1] 9/16</p> <p>verify [2] 33/10 52/19</p> <p>versus [2] 45/21 46/9</p> <p>very [17] 6/8 8/6 9/17 12/10 15/9 17/15 18/22 20/6 22/14 23/7 29/12 36/25 43/4 44/14 47/17 50/4 50/22</p> <p>vetting [1] 42/9</p> <p>via [1] 1/12</p> <p>victim [4] 26/8 46/3 46/8 46/14</p> <p>view [2] 8/11 26/23</p> <p>violated [1] 14/1</p> <p>W</p> <p>wait [2] 39/9 54/24</p> <p>waived [1] 37/2</p> <p>waiver [1] 37/7</p> <p>walk [1] 3/5</p> <p>want [14] 18/22 19/17 20/15 33/19 35/11 36/3 36/19 40/11 43/9 45/25 47/13 52/11 53/9 54/16</p> <p>wanted [3] 7/16 23/25 38/11</p> <p>warning [1] 26/21</p> <p>warrant [2] 25/24 25/25</p> <p>was [95]</p> <p>wasn't [6] 17/22 31/15 36/15 36/16 50/8 54/12</p> <p>wasted [2] 14/15 47/9</p> <p>way [14] 9/10 10/24 12/4 12/7 13/25 23/16 23/18 23/25 24/4 24/17 25/9 38/14 49/15 53/14</p> <p>ways [2] 10/13 24/19</p> <p>we [125]</p> <p>we'll [2] 51/6 52/13</p> <p>we're [10] 15/19 16/23 17/10 18/7 26/9 28/17 34/14 39/1 42/15 45/10</p> <p>we've [4] 16/10 36/24 44/18 47/17</p> <p>web [1] 25/4</p> <p>week [15] 16/9 16/21 17/22 18/23 19/3 19/16 19/22 20/5 20/10 26/7 42/15 42/17 42/18 44/14 49/6</p> <p>week's [1] 23/21</p> <p>weight [1] 30/21</p> <p>WEINHARDT [6] 2/13 2/13 3/15 5/10 5/18 47/2</p> <p>weinhardtlaw.com [1]</p>
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<p>W weinhardtlaw.com... [1] 2/15 welcome [1] 3/4 well [10] 5/16 5/19 11/16 12/14 19/20 32/11 42/20 47/12 48/15 50/9 went [7] 13/6 13/7 13/8 32/9 33/5 35/25 48/14 were [65] what [61] what's [3] 25/12 25/12 53/12 whatever [1] 23/23 when [16] 3/12 9/3 9/25 13/5 13/6 17/5 20/22 20/25 22/23 23/8 24/6 24/17 29/19 38/1 44/6 53/8 where [7] 26/6 34/4 39/24 44/18 51/17 53/22 53/22 whether [8] 8/15 20/20 31/13 31/15 33/10 48/6 49/13 54/11 which [39] 3/7 9/13 11/16 11/24 12/7 13/20 14/7 14/8 14/16 14/17 14/22 14/23 19/20 21/10 24/19 25/10 26/6 26/11 27/10 28/3 28/19 28/20 29/9 30/4 32/3 32/3 32/23 32/23 33/6 34/8 34/13 41/19 41/23 43/19 45/18 46/3 48/13 50/13 54/7 while [2] 4/15 35/22 who [14] 5/20 9/19 20/5 44/25 45/1 45/2 46/12 47/19 48/17 48/18 50/1 50/1 50/19 54/20 whole [1] 49/23 why [4] 4/20 16/16 50/14 54/7 will [41] 3/2 3/4 3/6 3/7 3/7 3/8 3/9 3/10 3/12 3/14 3/15 3/20 4/15 4/23 5/17 5/23 6/10 6/11 6/12 6/13 6/15 6/16 6/17 6/17 7/12 7/18 8/5 9/4 9/13 15/9 22/14 35/1 35/2 40/7 43/5 43/6 43/6 52/11 52/13 53/16 54/24 willing [1] 14/21 window [1] 48/14 wish [2] 8/2 40/5 withdraw [1] 26/2 withdrawn [2] 16/22 17/16</p>	<p>withhold [1] 17/3 within [6] 4/22 15/2 15/17 42/20 48/6 52/3 without [5] 24/1 26/15 26/21 48/8 48/8 witness [2] 28/3 28/17 witness's [1] 28/7 witnesses [2] 28/5 28/25 wonderful [1] 54/25 words [3] 3/10 12/3 14/25 work [5] 5/17 14/21 44/5 44/17 50/19 working [1] 48/21 works [1] 4/5 world [1] 23/13 worth [1] 23/21 would [27] 14/21 22/10 23/21 23/22 26/2 28/14 30/5 33/6 33/8 33/14 36/7 39/6 42/1 42/4 42/11 42/20 42/24 46/8 48/12 48/15 50/9 50/14 50/24 53/6 53/9 53/23 54/23 WRIGHT [1] 56/2 written [2] 15/4 33/15 wrong [2] 11/3 50/18 wrongdoing [6] 9/9 10/3 10/7 28/15 45/24 46/2</p> <hr/> <p>Y Yeah [6] 35/1 36/2 37/25 38/24 39/14 51/9 year [6] 8/15 9/22 22/25 37/4 37/6 39/10 yes [7] 3/17 4/3 6/22 7/4 34/21 35/10 42/7 yet [3] 44/1 47/10 50/6 you [80] you'll [2] 4/11 39/24 you're [3] 42/22 48/9 53/15 your [16] 3/12 3/15 3/24 3/24 6/14 6/17 7/5 7/7 7/8 7/9 22/18 24/20 24/24 43/7 50/22 52/8</p> <hr/> <p>Z zero [1] 14/13</p>			
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Exhibit D



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Minnesota Attorney General Keith Ellison
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September 26, 2022

Dr. Stephanie Burrage, Panel Chair
Jill Bemis, Panel Member
Kristie Anderson, Panel Member
Minnesota Department of Education
400 NE Stinson Blvd.
Minneapolis, MN 55413

Via Email to: Allison Loomis
Appeals Coordinator

Re: *In re: Partners in Nutrition d/b/a Partners in Quality Care's appeal of May 27, 2022 Agency Decision*

Dear Members of the Appeal Panel:

The Minnesota Department of Education—Nutrition Program Services (“MDE-NPS”) asks the Appeal Panel to take judicial notice of the 6 Indictments and 3 Criminal Information Complaints unsealed by the United States Attorney’s Office on September 20, 2022. These are publicly available documents related to the May 20, 2022 search warrant Affidavit upon which MDE-NPS’ May 27, 2022 agency decision is based. Copies of these federal documents are available in the record of MDE-NPS’ denial of Partners in Nutrition d/b/a Partners in Quality Care’s (“PIN”) November 2021 through 2022 Child and Adult Care Food Program claims.

In particular, the Farah, et al. superseding indictment (Case Number 22-CR-00124) and the Salad, et al. indictment (Case Number 22-CR-00226), refer to an unidentified sponsor identified as “Sponsor A.” The Salad indictment states plainly, “Most of the sites operating under the sponsorship of Sponsor A fraudulently inflated their claims in order to appear that they were providing more food to children than was true.” The Farah indictment, for its part, in paragraphs 61-70, includes facts confirming that the J.S. mentioned in the May affidavits giving rise to the May 27, 2022 termination letter, was a board member of Sponsor A, and at the time they were a board member, was actively engaged in making fraudulent claims. At the appeal hearing held Friday, September 23, relating to MDE-NPS’s denial of PIN’s November 2021 through May 2022 claims, PIN’s attorney agreed that PIN was “Sponsor A.”

Sincerely,

KRISTINE K. NOGOSEK
Assistant Attorney General

cc: Mark Weinhardt (via email only)
|5329858-v1